



# **VA-DoD Joint Venture Conference Las Vegas, NV October 27, 2010**

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Public Law 111-163  
“Caregivers and Veterans Omnibus  
Health Services Act of 2010”

- ❖ **Paul J. Hutter**
- ❖ **Chief of Staff**
- ❖ **Veterans Health Administration**
- ❖ **Department of Veterans Affairs**



# Overview of Law

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- ❖ 56 substantive sections
- ❖ Approximately 25 sections require regulations
- ❖ Creates new benefits, extends existing ones, and impacts VA personnel and research policies
- ❖ Requires coordination with DoD and other Executive agencies



# Titles of the Law

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- Title I: Caregiver Benefits (4 sections)
- Title II: Women Veterans Health Care (6 sections)
- Title III: Rural Health Improvements (8 sections)
- Title IV: Mental Health Care Matters (3 sections)
- Title V: Other Health Care Matters (18 sections)
- Title VI: Department Personnel Matters (4 sections)
- Title VII: Homeless Veterans Matters (1 section)
- Title VIII: Nonprofit Research and Education Corporations (8 sections)
- Title IX: Construction and Naming Matters (4 sections)
- Title X: Other Matters (4 sections)



# Areas of Interest for DoD

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- Caregiver Benefits
  - Servicemembers undergoing medical discharge also eligible for care
  - Will require coordination between VA and DoD
- Women Veterans
  - Focus on recently separated Servicemembers
  - Child care pilot program
  - Newborn care
- Mental Health Care
  - Servicemember eligibility for Vet Center services
  - Study of Veteran suicide



# Areas of Interest for DoD

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- Other Health Care Matters
  - Expanded study on Project SHAD
  - Committee on Care for Veterans with TBI
- Department Personnel Matters
  - New recruitment and retention initiatives
  - Limitation on overtime and other authorities
- Non-Profit Research and Education Corporations
  - Greater flexibility for multi-site corporations



# Caregiver Eligibility

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- Law defines eligibility for two types of Veterans
  - Veteran or member of the Armed Forces undergoing medical discharge
  - Have a serious injury
  - That was incurred aggravated in the line of duty on or after September 11, 2001
  - Is in need of personal care services because of:
    - An inability to perform one or more activities of daily living
    - A need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury
    - Other matters as VA may specify
  - VA determines it is in the best interest to provide such services



# Caregiver Eligibility

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- All Veterans
  - Enrolled in the VA health care system
  - In need of personal care services because of:
    - An inability to perform one or more activities of daily living
    - A need for supervision or protection based on symptoms or residuals of neurological or other impairments or injuries
    - Other matters as VA may specify



# Caregiver Benefits

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## ❖ **Primary Family Caregivers (Post-9/11)**

- Monthly Stipend
- CHAMPVA, if not eligible for other health care coverage
- Mental Health Services
- Respite Care of not less than 30 Days (including 24 hour per day care with age appropriate options)
- All Benefits Available to Family Caregivers

## ❖ **Family (Secondary) Caregivers (Post-9/11)**

- Necessary instruction, preparation and training
- Ongoing technical support
- Counseling
- Travel, lodging and subsistence (during training and to accompany a Veteran for care)
- Respite care during training





# Caregiver Benefits

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## ❖ **General Caregivers (All Veterans)**

- Educational sessions, available in person and online
- Use of telehealth and other technologies
- Education on techniques, strategies and skills for caring for the Veteran
- Counseling under existing authority (38 U.S.C. 1782)
- Respite care under (38 U.S.C. 1720B)
- Information concerning supportive services available to caregivers from other public, private and non-profit agencies



# Caregiver Benefits Implementation

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- ❖ Develop an Implementation Plan and Report and submit it to Congress within 180 Days (November 2)—required by law
- ❖ Need to draft and complete regulations
- ❖ Establish processes and logistics of program implementation
- ❖ Coordinate benefits and transfer with DoD
- ❖ Implement program within 270 days of enactment (January 30, 2011)—required by law



# Women Veterans

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- ❖ Section 201: Study barriers to care
- ❖ Section 202: Training and certification for providers offering care for MST and PTSD
- ❖ Section 202: Pilot program on counseling for women veterans in retreat settings
- ❖ Section 204: Recently separated women Servicemembers on VA advisory committees
- ❖ Section 205: Pilot program on child care
- ❖ Section 206: Care for newborn children



# Returning Women Servicemembers

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- ❖ Section 201 requires a study on barriers to care
- ❖ Sections 203 and 204 focus on returning Servicemembers
- ❖ Intent is to provide support in multiple venues
- ❖ This work should improve care and benefits for women Veterans and Servicemembers



# Child Care Pilot

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- ❖ Section 205 requires a pilot program on assistance for child care for qualified Veterans receiving health care services
- ❖ Focus is on Veterans receiving:
  - Regular mental health services
  - Intensive mental health services
  - Other intensive health care services VA determines appropriate
  - Veterans who would, but for lack of child care, would receive services from VA
- ❖ 2 year pilot in three Veterans Networks



# Newborn Care

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- ❖ Secretary may furnish up to 7 days of post-delivery care services as required
- ❖ Women Veterans are eligible if receiving maternity care furnished by VA
  - Can be in a VA facility
  - Can be in another facility pursuant to a Department contract for services relating to such delivery
- ❖ VA has interpreted this to mean Military Treatment Facilities are included if VA has a sharing agreement for such services



# Mental Health Care

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- Section 401 authorizes VA to provide Active Duty Servicemembers who serve in OEF or OIF with care at VA's Vet Centers
- Eligibility includes any member of the Armed Forces, including members of the National Guard or Reserve
- Also eligible to receive mental health services
- Requires regulations to define, and DoD and VA to jointly prescribe regulations
- Section 403 requires VA to conduct a study of Veteran suicide between January 1, 1999 and May 5, 2010
- Must coordinate with Secretary of Defense, Veterans Service Organizations, CDC and State offices



# Other Health Care Matters

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- Expanded study on Project SHAD
  - VA required to enter into contract with IOM to conduct an expanded study on health impacts of Project Shipboard Hazard and Defense (SHAD)
  - VA in discussions with IOM and Congress
- Committee on Care for Veterans with TBI
  - Committee will make recommendations on effective treatment and rehabilitation
  - Advise the Under Secretary for Health
  - VA employees serve on Committee





# Department Personnel Matters

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- New recruitment and retention initiatives
  - Increase of EDRP caps
  - Secretarial authority to extend Title 38 status to additional positions
  - Probationary periods for RNs and prohibition of these periods beyond 2 years for part-time nurses
  - Special incentive pay for pharmacist executives
  - Adjustment of cap pay for nurses
  - Eligibility for part-time nurses for additional nurse pay
- Limitation on overtime and other authorities
  - Limits on nurse staffing, weekend duties, overtime
- Health Professionals Educational Assistance Scholarship Program
- Loan Repayment Program for clinical researchers from disadvantaged backgrounds
- Visual Impairment, Orientation and Mobility Professional Assistance



# Non-Profit Research Corporations

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- Updates and clarifies law authorizing VA-affiliated Nonprofit Research Corporations (NPCs)
- Allows NPCs to better serve VA research and education programs while maintaining oversight
- Allows two or more VA medical centers with Secretary approval to form a Multi-Medical Center Research Corporation (MMCRC)
- Clarifies powers of corporations and responsibilities of directors



# Conclusion

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- Large law
- Significant impact on VA
- Working to implement
- New benefits and expectations